

**DEPARTMENT OF CORRECTIONS
PRISON ISSUES BOARDS MEETING
Pine Hills Youth Correctional Facility
Miles, City, MT
June 12, 2012**

Roll Call – Director Ferriter, Warden Leroy Kirkegard, Gayle Lambert, Patrick Smith, Warden Martin Frink, Warden Tom Green, DW Bob Paul

Via Vision Net – AW Roger Handa, Wayne Bye, Steve Grubb and Marty Warrington, Jim Clancy

There is a quorum present.

“In accordance with Montana Code Annotated Section 2-3-103(1), the Board will hold a public comment period. Please note that this open forum period for comment is the public’s opportunity to address the Board on any topic that is within the purview of the Board. While the Board may or may not take action on the issues presented, the Board will listen to comments, may respond to questions, may ask that particular questions, or comments be submitted in writing, and may ask that the issue be placed on a subsequent agenda for possible discussion by the Board. The Chairman of the Board will determine the amount of time allotted for public comment.”

“Pursuant to Montana Law, the Chairman may decide to hold a meeting or part of a meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.”

Approval of minutes from the last meeting
Moved to approve the minutes - Warden Leroy Kirkegard
Seconded the motion – DW Bob Paul
All approved.

Welcome and introductions.

In addition to the above people, the following were present; Superintendent Steve Ray, Sam Casey, Lena Havron, DW Ron Nodland, Dale Henrichs, Lavonne Kautzman, Ira Eakin

Public; none present

Legislative and Management Team Updates – Director Ferriter

Potential legislation for the upcoming session – nine bills were submitted and five were approved by Governor’s office. The first one is regarding adult community corrections and just clarifies the licensure for SOP therapists. Also approved is a youth services piece. This will clarify the commitment of youth under the age of 18. Community Corrections agreed to carry legislation to clarify substance abuse counselors who will now be able to deal with gambling addictions. The investigators will now have peace officer status. We are getting away from the current memo of understanding and they will now be stand alone peace officers. The bill regarding electronic devices in secure facilities moved forward. We also brought forward a request for budget expansions. The Director has not heard back from the budget office yet on this.

Finance Committee and Law and Justice Committee

The Finance Committee met on Monday. They were requesting clarification on our population projections. They were interested in secure male populations. We ended up with less than one percent increase in male population growth. Our population has flattened. We are seeing very good outcomes with the Revocation Center, START and Passages. 85% of offenders going through the centers are being placed.

Lewistown Infirmary – handout

The Director met with the sheriff, legislators and some members of the public in Lewistown recently. We are looking to move 25 inmates to the Lewistown Infirmary. We have been talking about this for a long time. The prison has identified a population of older inmates with chronic medical conditions that require a level of care, which has become increasingly challenging to provide in a traditional prison environment. The Director was aware Lewistown had a vacant wing. At one

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time, the facility housed 200 patients and now they have 80. By December, we hope to move inmates from MSP to Lewistown, but there will be a lot of renovations. There is potential to send more than 25 inmates. It will cost about \$213 a day to house inmates there. Along with nursing care staff, there will be 8 correctional staff assigned to the facility.

Upcoming Law and Justice Committee meeting – we are part of the agenda for the meeting. It is the 21st and 22nd of June. We do have a new staff person for the Law and Justice Committee. It is Dave Boyer. The Family Advisory Council is something we may be interested in. We used to have a Victims Advisory Council, but Governor Schweitzer eliminated this council with budget cuts.

Restorative Justice Bills – Several of these bills affect us. Gayle Lambert was assigned to look at the bill regarding Montana Re-entry. We are doing a lot of this already. We are on the right track with the Re-entry Council. They would like a re-entry court similar to drug court. We supported most of it, but would like to see some revisions.

The final bill had to do with the Board of Crime Control. Diana Koch will give a brief overview of this legislation during the Law and Justice Meeting.

The last thing on the L&J agenda is staff shortages at CCC/Shelby. Someone from CCC will be there.

Medical grievances and unresolved medical issues were brought up by Senator Hinkle. Ira Eakin did not see problems with the system now for medical grievances. The Senator also brought up family councils, the grievance process in other states and obstacles for inmates.

Items on the agenda for DOC and the BOP were discussed.

Division Updates/EPP – Warden Kirkegard

There are two big retirements coming up at MSP – Deputy Warden Ross Swanson and Carl Nelson. We are interviewing for the maintenance position. We are not in a big rush to fill the deputy warden position. MSP is running well. Staffing levels are up. We are about nine officers short. We were down 47 in November. Nothing to report on EPP.

Discussion on Correspondence, Publications & Visiting – Warden Kirkegard

Two of the big policies being signed off on are the Correspondence and Visiting Policies. They were sent out this week. Visiting will still be the same days. Visiting on Wednesdays and Fridays is for adults only. Visiting on Thursdays ends at 5:00 p.m. This was posted for 30 days. It was up to inmates to let their families know what the changes are. Some visitors appreciate the new policy. The dress code has been relaxed. Jewelry was addressed and body piercing. The new policy allows discretionary decisions for the visiting officers. The new policy also cleared up the appeal process for visiting. The approval process has been expedited.

The correspondence policy is also out. It is less restrictive than before. Legal mail and privileged correspondence are addressed. Canteen has been taken out of the book purchase process. The grievance process for undeliverable mail has been improved. Foreign language mail will be interpreted within 10 days by someone out of Helena.

The Sergeant assignments have changed. These positions will be required to stay in one place for a certain amount of time. The same thing will happen with officers and unit managers.

The entrance procedure is also changing. A lot of procedures are being looked at on a daily basis.

Patrick Smith said the visiting procedures for OMIS are being looked at for all facilities. This is still in the process. The Security Major has been working with the IT people to get all this information online.

Sam Casey asked for clarification for out of state special visits and asked if there is a time-line for people coming from out of state. Warden Kirkegard said he would get together with Sam and get specific details about his question.

Update on Re-entry Program – Sam Casey

They have 45 participants in the Billings area. They are looking at a three year plan and checking for gaps. Underfunding is a problem after the offenders are released. There are two common problems that cause offenders to fail - communication and relationships. They are looking at implementing more follow up assessments. They would like to expand to other pre-release centers and get a mentoring grant. State-wide, they are looking at OMIS/OMP and working to get more contact notes. This will open up the communications between all staff that deal with the inmates. In July of 2012, they will start to administer re-entry assessments at intake. In September, they will be doing electronic assessments. The full case

management piece won't come in until this time next year. It will take 6-9 months to work out the bugs. The next step is identifying staff to be trained for the assessment piece and then people who can train the other staff. This is also about getting the community involved. Sam will be talking with each facility and there will be a meeting to get this kicked off. There will be a lot of changes.

Gayle Lambert said they are ready to kick off the reentry savings program on July 1st. Inmates working for MCE used to get longevity raises after a certain amount of time. These raises were taken away from inmates when employees did not get raises. In the new reentry savings program, inmate workers who, if they work for one year, will get \$100 in their savings plan. If they work for 2 years, they will receive \$200. If they work for 3 or any subsequent years, they will receive \$300 per year. The inmate only gets this money upon release. They can work with the Reentry Team to help pay for rent or a driver's license or other expenses associated with release. Gayle thinks this is a good idea. This is a good way to help them (inmates) get their feet on the ground. This is only for inmates working for MCE. She has no control over the other programs. This does not include students.

Update on Canteen Items and Inmate ID's – Gayle Lambert

There are still some problems with the MP3s and the kiosks. Because the MP3s are working out, Gayle has something to propose for the locked housing units and for the canteen. It is a clear hand-held game. There are no security issues with the game. The game uses three AAA batteries, it will not plug in. The game would sell for under \$40. It will also hook to the 7" TVs and the 13" TVs.

Patrick Smith asked Gayle if she was proposing to add the game to the canteen for all populations. Bob Paul said the Security Major had sent out his list on Monday and suggested someone should call him and get this on the property list. Patrick Smith said he wanted Gayle to bring this to the group first before adding it to the official list. The Director was interested in how this could be an incentive. Patrick Smith agreed this could be used as an incentive. The younger offenders need to stay busy and cause less problems. The Director said we need to articulate that this makes a better, safer environment. Patrick asked if there is any benefit or educational function to the games. Lena Havron said we should stay away from this being an incentive. Gayle Lambert said there could be two separate issues. For the locked housing units, they could only have a number of them in each unit. For the rest of population, this would be something they purchase from canteen. Steve Ray said at Pine Hills, these are not personally owned; if the offenders are being good, they get to play. Roger Handa asked who the supplier is. Gayle said Access Productions is who provides these. Roger Handa asked if it can download other games. Gayle said there are 50 games on it and that is all you get. Patrick Smith said CCC has allowed video games and asked Warden Frink to explain how they work. Warden Frink said the game stations at CCC have worked very well. They have them in the dayrooms and there are specific times they can use them and specific games they can use. The ones they have were purchased through the IWF and are not inmates personal property. They are not really learning tools, but the inmates get along better when they are using them because they know if they are fighting and arguing, the games get shut down.

Pat Smith asked if anyone thinks these should be restricted by custody levels. When custody changes, does the game get taken away?

Warden Kirkegard responded he is okay with it going on the canteen with regular restrictions. DW Bob Paul said MWP has used them and they have worked well. Warden Frink, Warden Green and AW Handa all supported adding these to the canteen as a regular item for the general population.

Gayle said if they get caught doing tattoos, it would be an electronic and treated the same way. All agreed.

DW Bob Paul moved to recommend the security chiefs review to put this item on the canteen list with normal electronic restrictions. Warden Kirkegard seconded the motion. All approved. Gayle Lambert abstained from voting because she proposed this item.

The canteen is not selling books anymore. There was a comment made at the last PIB meeting about not being able to order from Deseret Publishing. This was looked into and we can order from Deseret Publishing. The Penthouse from the CCC library was also investigated, and found to be untrue.

Inmate ID's – Gayle Lambert

Montana ID cards are a big deal to the Law and Justice Committee. Statute says we have to give the inmates a free ID card when they leave incarceration. We worked out a system with Dean Roberts, who used to be the Administrator for DOJ, and have been able to issue IDs and driver licenses through our driver license person. This worked okay until the DOJ started

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requiring a birth certificate. About two months ago, Gayle made an administrative decision to not require the inmates to pay for a birth certificate. Gayle is working with DOJ to see if there is an alternative to getting a birth certificate. If they don't approve this, she will ask the attorney general to accept other identification for the ID cards. If someone from WATCH needs a birth certificate to get an ID, we will get the birth certificate. Gayle is trying to let the inmates know how important it is for other things, not just an ID, to have a birth certificate. It is a lot of work for the IPPO's and Gayle appreciates all they do. Gayle handed out posters for all the facilities and the IPPO's titled "MY BIRTH CERTIFICATE: WHAT'S IN IT FOR ME". At this point, IWF pays for half of the fee for the birth certificate and MCE is paying the other half. Gayle will send a copy of the proposal for how this is paid for to the group for approval as it differs somewhat now from what was last agreed upon. All agreed a modified proposal was in order.

Review of Performance Based Standards – Steve Ray

Power Point Presentation

When Steve Ray arrived at Pine Hills, the facility was ACA approved. They did some research and looked at Performance Based Standards (PBS). The program was developed by DOJ to help juvenile/youth facilities. ACA is moving towards PBS. There are 198 facilities across the western states using PBS. There is clear evidence that a variety of factors can shape the likelihood of problems in correctional facilities, including overcrowding and youth relations. Participation in PBS provides the administration with a wealth of data allowing them to make better informed strategic decisions demonstrates accountability and reports successes. The results of the program are only as good as the data you put into the program. With the program, you know what your problems are and where they are at. That is why Steve Ray likes the program. It also holds the facility accountable for what they do. The program cost is about the same as ACA.

Roundtable Discussion

DW Bob Paul - MWP

Sue Orand will be retiring on June 30th. She has put in 30+ years with the department. She was involved with women's issues since the prison was called Women's Correctional Center. Their records person is leaving too. They will be missed. They are hiring 3 correctional officers and one correctional councilor. Interviews are this week. Family Day is June 16th. They do this once a year and it is great for the offenders. The MCA Conference is coming up.

The control system update is moving along. They made some procedural changes and had some maintenance issues addressed. DW Paul thanked the Director for his support. They hired a "negotiator" that has shaved several thousand off the cost.

They had a security chief's meeting. There was some discussion on eagle feathers. They should have this done soon.

Ira Eakin discussed the issues MWP is facing with the alley. The whole alley closure issue should have been delegated to engineers from the beginning. MWP will have to give NW Energy an easement to service the existing utilities. They had to get a comparative market analysis, and that cost \$3000. The planning department is not going to recommend a reduction in price. The city council has the authority to give the property to them. They have to file a petition and get it to the city council. In the meantime, DOC engineers have pending building permits because they are running water and electric lines under the alley and have fences at each end for the gates. At some point in the future, there will have to be a sidewalk.

Lena Havron – Fiscal

Nothing to report

Warden Frink – CCC

The facility was locked down for a semi-annual shakedown. They will do a comprehensive search of all inmates and grounds. They hope to be done by Friday. June 22nd will be the last day for Mike Mahoney at the facility. He will be going to work for an organization in Helena. They hate to see him go. They had 7 trainees start on Monday and have seven next week. They have concentrated on hiring and reducing turnover. Turnover rate has dropped to about 43%, which is down from 73% last year. They have three job fairs this month. The Job Services Department in Browning has a high unemployment rate and would like to see if they can get people working. A concern is transportation. Browning is 70 miles away. A lot of the unemployed people do not have reliable vehicles.

Warden Green- DCCF

The garden program is back up and running. They have more vegetables growing than they can use, so they sell the extras at the farmer's market. They are looking at building a root cellar. They have had minor issues with the air flow in the facility. They are fighting with staff retention and recruitment and competing with the oil field. Housing is an issue and they have a house they purchased and have completed renovation. This will help new staff until they can find alternative housing on their own. The state side of the facility is quiet. The county side is over capacity.

Ira Eakin – DOC Legal

We are hoping the new correspondence policy at MSP works out well. Ira said this policy is much better than the previous policy. He knows there were lots of complaints about visitation. These should get worked out. Plenty of notice was given to the inmates.

A lawsuit has been filed by four inmates at MSP regarding the way IWF monies are handled and the decision making process.

Dr. Rantz's contract expires at the end of June. MWP got a new mental health provider and a medical provider. We need a medical director who knows medicine and knows correctional medicine.

Gayle Lambert asked if the attorney position was reposted and Ira said it had been.

Warden Kirkegard – MSP

The Warden said he covered everything earlier in the agenda.

Steve Ray – Pine Hills

Pine Hills recently hired four new staff members and they have turned the jobs back because of lack of housing. They are seeing some reaction from the local community – not just housing. Some of his people have found they can work at ACE for the same wage and not get yelled at by inmates.

Gayle Lambert/Sam Casey – MCE

Sam has a new person working with him. Jim Pagels is the new Re-Entry Manager. They are looking at Life Skills again. Jim is working on this.

AW Roger Handa - GFRP

They are sitting pretty well in terms of staffing. They have three empty positions. They are up for contract negotiations and going to mediation soon. The GED Program – they have a contract they are working on with the Great Falls Public Schools System. They will provide \$17,980 dollars to fund this project. They need a minimum of six computers and lots of volunteer hours from the community. Cascade County would be responsible for the \$55 cost for the tests. Basically, Cascade County would be required to provide \$2825 for the tests and a proctor. We will have to look over how this is funded. The RFP is still with the county regarding electric and cable.

They still have a food service RFP and a camera RFP about ready to go out for publication. They are still short the chief of security position. The new administration is holding out on that. They want to make sure they have the right person for the position before it is offered.

Gayle Lambert asked when the GED classes were going to start. Wayne Bye said it will coincide with the start of school in the fall. Wayne added that everything has been agreed on with the county and the school for the GED program.

Director Ferriter

There has been a lot of focus on Eastern Montana. One of the things that has come up is possibly a plan to utilize the vacant cottage at WATCH East by the Montana Highway Patrol and the Public Defenders. Lavonne Kautzmann said it has a kitchen and will be a good setup. There are six rooms and a fireplace. The Director asked if we are able to take advantage of work for our inmates. Warden Green said the Mud Masters Group talked to them at one point. Since that time, they have changed hands and they haven't heard anything since.

The Director talked about the Deputy Warden retirements at MSP, MWP and others in the MDOC. This will be a big change. Steve Ray said Rick Klaboe retired and he had almost 40 years in. They have not hired someone to replace him yet. They did hire a technology teacher. The Director congratulated Great Falls for moving ahead and getting a GED program.

Discussion of Inmate Offsite Bank Accounts – Lena Havron

Lena got a call from a facility regarding two inmates getting outside bank accounts. She asked the accounting department and they said there is nothing in place regarding getting an outside account. There is a clause in statute that says the inmate can have an outside account, but it has to be approved by the Department. This could affect the legal department. We should really have a policy with guidelines.

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Ira Eakin said the inmates are not allowed to operate a business. Another reason for them not to have outside accounts is for them not to pay creditors and items such as restitution.

Warden Frink said CCC follows ACA standards and they allow outside accounts, and if CCC needs to, they can get a waiver for this.

Lena Havron said the standard say the Department can approve and our stance can be we don't approve, but we can make exceptions.

Pat Smith will ask Ira to prepare a legal opinion on this for the next meeting.

IWF Annual Budget Review, Account Updates, Quarterly Requests, Funding Reviews and New Business – Lena Havron

We have a large cash balance again. Lena would like to see something happen before the session. Some funding has been allocated for gym floors at MSP and electrical at Great Falls. Lena said to take these numbers back to each facility IWF person and make sure the numbers are right.

Annual Budgets – everyone's budget expenditures exceed revenues. We are going to monitor everyone's accounts. The annual budget should be within your means.

The global fund has not been utilized yet. Where it shows on the recap is when the amount was moved out of MASC and put into the global fund. What Lena passes out to the housing units is only what pertains to them.

MSP - FY 2013, they are asking for a budget of \$270,740 dollars. We will keep an eye on this. Pat Smith asked if we approved these at the last meeting. Lena said we did not because they were not ready. We will walk through all the budgets, discuss, and then pass each request.

MWP - request for \$51,555 with revenue of \$55,000.

GFRP – request for \$30,850 with projected revenue of \$28,000.

CCA – request for \$119,941.51 with projected revenue of \$110,000 – Lena asked for them to look at their revenues.

DCCF – request for \$39,075 with projected revenue of \$36,000 – Lena told them they need to ask for guaranteed phone revenues.

Lena reviewed all yearly IWF requests and nothing appears out of line. The IWF requests were proposed to pass as Lena presented them.

Gayle Lambert moved to pass the proposed IWF budgets. Warden Frink seconded the motion. All approved.

IWF Global Fund

Ira Eakin asked if Lena could explain the global fund. Lena said the global fund is going to be established. It takes a portion from each facility IWF to be used for release assistance. The purpose of the fund is to help with a parole plan, housing, jobs, clothing, etc. An example would be the fund would cut a check to the landlord; the money would not be handed directly to the inmates. The contribution to the fund is based on percentage of population. Ira said that as long as each facility approved whatever they are contributing to the account, we are okay. Pat Smith asked Lena if she is tracking the numbers to see if there is any facility spending an inordinate amount. Lena said the numbers are pretty consistent. Gayle Lambert said she would like to see a breakdown of revenues by facility. Ira Eakin said he just wanted to make sure his understanding was correct in how the money goes into the global fund.

Quarterly Requests

MWP has none, but will in the future for the gardening project. Lowes has a grant that may be available. CCA will help MWP with some razor wire for the garden fence.

CCA has no quarterly requests.

MCE has no quarterly requests.

MSP has no quarterly requests.

DCCF has no quarterly requests.

GFRP - they are not going to request new money. The GED program would like to utilize money from Vision Net to help with GED. This is money we moved to GF for a future Vision Net drop. Roger Handa said the revenues from the phones are not what they thought, and not enough to maintain the extra Vision Net drop. Pat Smith asked how much they were going to request. The request is for \$2825 per year for the next five years, up to \$12,000 for the GED program.

Gayle Lambert moved to approve the request from Great Falls. Warden Kirkegard seconded the motion. All approved.

Great Falls has no other requests

Gayle Lambert asked how Warden Frink/CCC was doing on his STEPS/New Directions Program. Warden Frink said they are still in the planning process. Gayle asked if someone from CCC staff has to take care of the program, or if someone from Gayle's staff can assist. Warden Frink said he would like assistance from Gayle's staff. The money for the program was already given to CCC at the last meeting to get the STEPS Program going.

Public Comment Period

There were no public comments

Other Security/Confidential Issues if needed

The last portion of the meeting will be held in closed session pursuant to Montana Law. The Chairman has decided to hold the last portion of the meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.

The next meeting is tentatively scheduled for September 11th in Great Falls at the Cascade Regional Prison.